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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,213	09/21/2001	Uwe Dingert	22750/500	5156

26646 7590 11/04/2003

KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER

COLE, LAURA C

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/960,213

Applicant(s)

DINGERT, UWE

Examiner

Laura C Cole

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-12 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 22 September 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All - b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 8.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because in Figure 1, there are 3 indications of the support (4), however the leftmost reference number does not appear to be pointing to a support. Further, in Figure 1, reference number (5) of the squeeze basket is pointing at what appears to be the support (4) making it somewhat difficult for one to distinguish the squeeze basket (5) from the support (4). It would additionally clarify the invention if the Applicant were to illustrate in the drawing of the deformation that occurs under the compression force (Claim 1). Arrows to display the deformation would be helpful. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings were received on 22 September 2003. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: - - - - -

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7, and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Weihrauch, EP 0 489 237. (see translation in English)

Weihrauch discloses a wringing device having a liquid permeable receptacle (Figure 1 (3), Figure 2 (20)) that can be affixed to a container (Figure 1, frame (2) supports the receptacle on the bucket (1), Figure 2 (21)), and in which a cleaning element can be wrung out by the exertion of pressure ((translation) Page 8 Lines 19-21), the receptacle having deformable wall parts (Figure 1 (4), Figure 2 (23), Page 8 Lines 2-3), the inside width changing when the cleaning element is pressed in (Page 8 Lines 15-17), and wherein the wall parts are in the form of spring elements (Page 5 Lines 4-9, "spring" as in they are elastic, flexible material and return to its initial position after wringing) with convex curvature (Figure 1, Figure 2) which can be deformed by the compression force (Page 8 Lines 13-19). The curvature is reduced by compressing the cleaning element (see direction arrows shown in Figures 1-2). The spring elements form a funnel-shaped or "basket-shaped" or "tulip shaped" receptacle (Figures 1-2 (3) or (20)). The receptacle has a bottom connected to a mounting frame by supports (wherein the supports are the spring elements (4) and the bottom is (5)). The receptacle is a polymer material (Page 8 Lines 8-11). The bottom may have openings (Figure 3 (26)). The spring elements are arranged radially around the bottom with an interspacing between each of the elements (Figures 1 and 4). The spring elements in the direction of their extension have a different cross section (Figure 1 center element (4)). A feed funnel is located at the opening of the squeeze basket (Figure 2, the receptacle is funnel shaped and the opening acts as a feed funnel.)

***Claim Rejections - 35 USC § 103***

Art Unit: 1744

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weihrauch, EP 0 489 237 in view of Kober USPN 2,155,494.

Weihrauch discloses all elements above, however does not disclose holding lugs to affix the receptacle to a rim of a mop bucket.

Kober discloses all elements mentioned in Paper No. 6 of 02 July 2003 including holding lugs are located on the mounting frame in order to affix the receptacle to a mop bucket (Page 1 Column 1 Lines 28-30). The spring elements and surface parts are arranged radially around the bottom with interspacing (Figure 1).

It would have been obvious for one of ordinary skill in the art to modify the securing arrangement of Weihrauch and add lugs such as Kober teaches so that the device will rest securely to a rim of the mop bucket and will not fall over easily.

#### ***Allowable Subject Matter***

5. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 1744

Weihrauch (EP 0 489 237) discloses that the inside width of the wringing device is to be decreased since the bottom of Weihrauch is free to move as far as the spring elements will allow it to be stretched. Weihrauch does not include support elements that are *rigid* so that when under compression the inside width increases to the location of the support elements. The wringing device “can be” or is “capable of” being deformed by the compression force *for* enlarging the inside width.

Kober does not disclose that the wall parts at least prior to deformation are in the form of spring elements with convex curvature.

#### ***Applicants Arguments***

6. In the response filed 22 September 2003, Paper No. 7, the applicant contends that

A. It is reasonably clear what is meant by “tulip shaped.”

B. Kober does not disclose that the wall parts at least prior to deformation are in the form of spring elements with convex curvature.

C. Weihrauch does not disclose or suggest deformable wall parts that can be deformed by the compression force for the purpose of enlarging the inside width of the receptacle.

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#### ***Response to Arguments***

7. Applicant's arguments A and B, see Paper No. 7, filed 22 September 2003, with respect to 35 U.S.C. 112 and 35 U.S.C. 102 have been fully considered and are persuasive. The rejection of Kober under 35 U.S.C. 102(b) and the rejection made under 35 U.S.C. 112 have been withdrawn.

Art Unit: 1744

8. Applicant's argument C filed 22 September 2003 have been fully considered but they are not persuasive.

C. As stated above, Weihrauch does disclose the claimed invention specifically wherein the wall parts are in the form of spring elements with convex curvature which can be (or configured to be) deformed by the compression force. In response to applicant's argument that the spring elements can be deformed by the compression force *for enlarging the inside width*, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). In use, the device of Weihrauch may also be configured to have an enlarged width.

### **Conclusion**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not



Art Unit: 1744

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

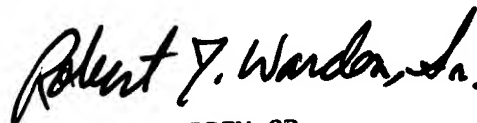
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (703) 305-7279. The examiner can normally be reached on Monday-Thursday, 7am - 4:30pm, alternating Fridays. After December 17<sup>th</sup>, the Examiner's office will be located at the new USPTO site in Alexandria, Virginia. After this projected date, you may reach Examiner Laura Cole by phone at 571-272-1272 or by fax at 571-273-1272.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920 (or after December 17<sup>th</sup> may be reached at 571-272-1281). The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone-number is (703) 308-0661.

LCC  
LCC

31 October 2003

  
ROBERT J. WARDEN, SR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700